

18 June 2020

2200292

Jim Betts  
Secretary, Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta  
NSW 2124

Attention: Chris Ritchie

Dear Mr Betts,

**RE: REQUEST FOR SECRETARY ENVIRONMENTAL ASSESSMENT REQUIREMENTS  
106 – 228 ALDINGTON ROAD, KEMPS CREEK**

We write on behalf of Stockland Fife Kemps Creek who are proposing to develop land identified as 106 – 228 Aldington Road, Kemps Creek (**the site**). The intent is to redevelop the site for industrial purposes in line with the desired future outcomes of the Mamre Road Precinct and recent amendments (which occurred in June 2020) to the State Environmental Planning Policy (Western Sydney Employment Area) 2009.

As the proposal is for the purposes of development for warehouse or distribution centres that has a capital investment value in excess of \$50 million, (see cost estimate at **Attachment A**) it is State Significant Development (**SSD**) by virtue of Clause 12 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

The development comprises a Concept State Significant Development Application (**SSDA**) for the site including proposed future development lots and building footprints, as well as detailed consent for Stage 1 works which will include construction of a 52,500 sqm warehouse building and associated infrastructure required to be constructed for the development to operate, including road intersections, internal road construction and other associated on-site utilities. Stage 1 has a capital investment value of \$61.3 million

The purpose of this letter is to request the Secretary's Environmental Assessment Requirements (**SEARs**) for the preparation of an Environmental Impact Statement (**EIS**) for the proposal. To support the request for the SEARs this letter provides an overview of the proposal, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

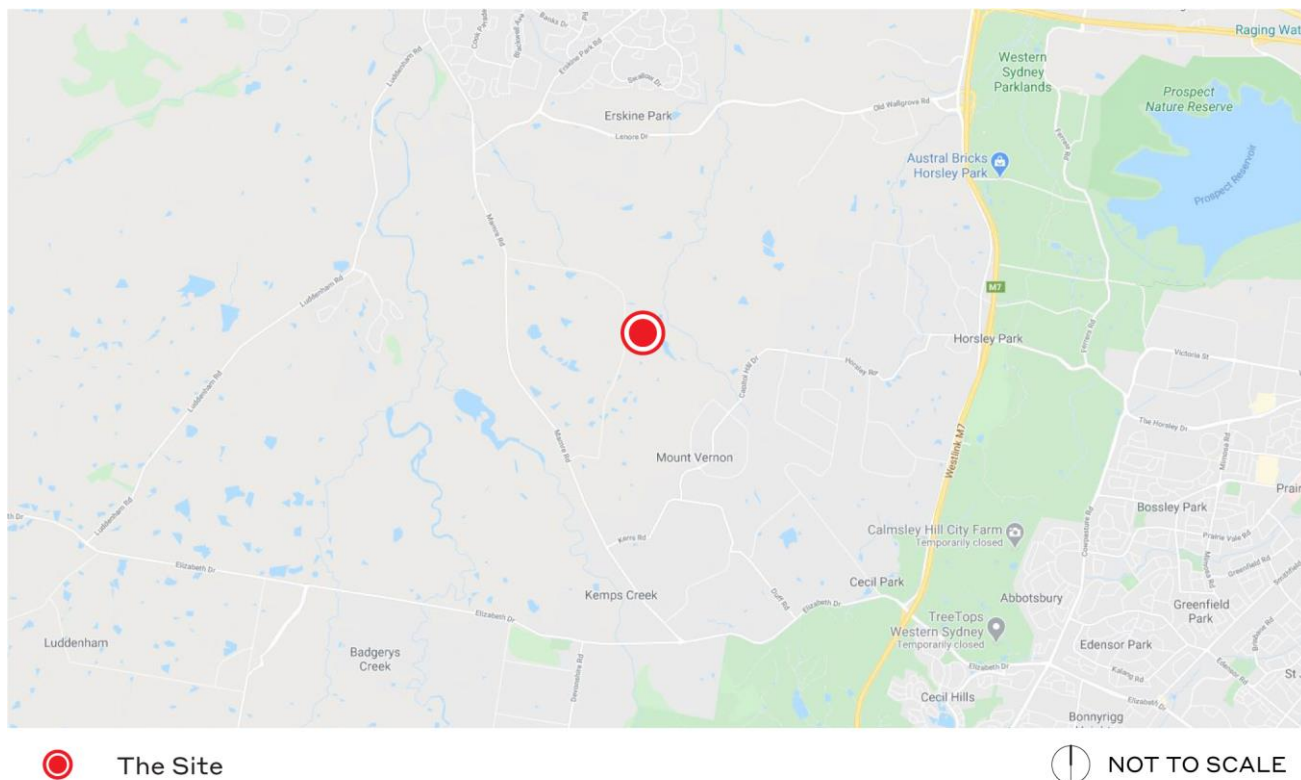
## 1.0 Site Context and Description

### 1.1 Site context

The site is located at Kemps Creek, within the Penrith Local Government Area (refer to **Figure 1**). It also forms part of the Mamre Road Precinct which sits within both the Western Sydney Employment Area and the Western Sydney Aerotropolis (refer to **Figure 2**).

Land surrounding the site is generally rural in nature comprising a variety of rural dwellings, rural land, farm dams and scattered vegetation. Beyond this, the following uses are worth noting:

- The Oakdale South industrial estate located immediately to the north-east of the site;
- The existing Catholic Healthcare Emmaus aged care and retirement village, Little Smarts Early Learning Centre, Trinity Primary School and Emmaus Catholic College located approximately 1.5km north west of the site; and
- Existing established residential housing community (approximately 1.5km to the east) at Mount Vernon.



**Figure 1 – Site context**

Source: Google and Ethos Urban

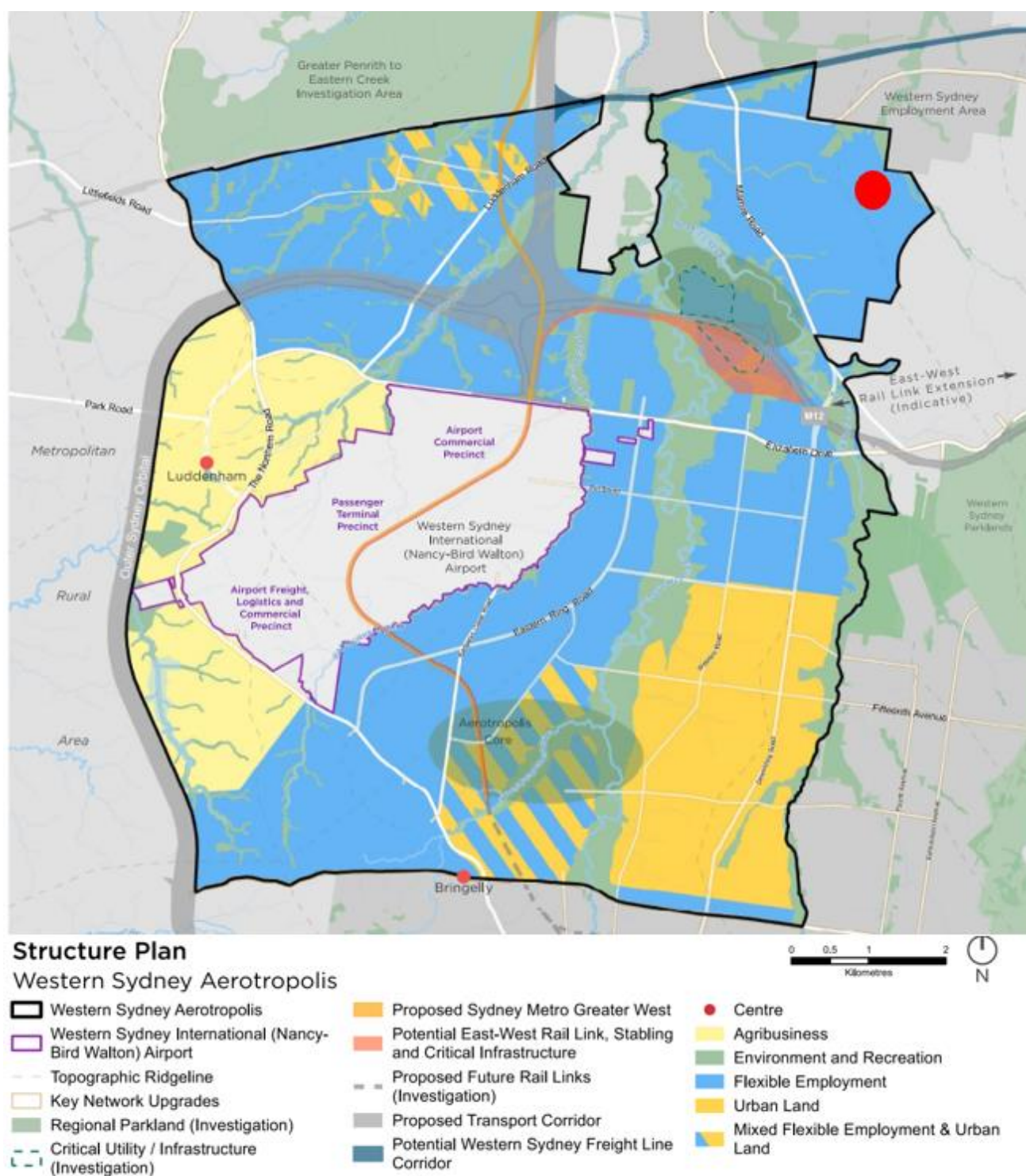


Figure 2 – Western Sydney Aerotropolis Structure Plan (with the approximate location of site identified with red circle)

Source: Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan, 2018

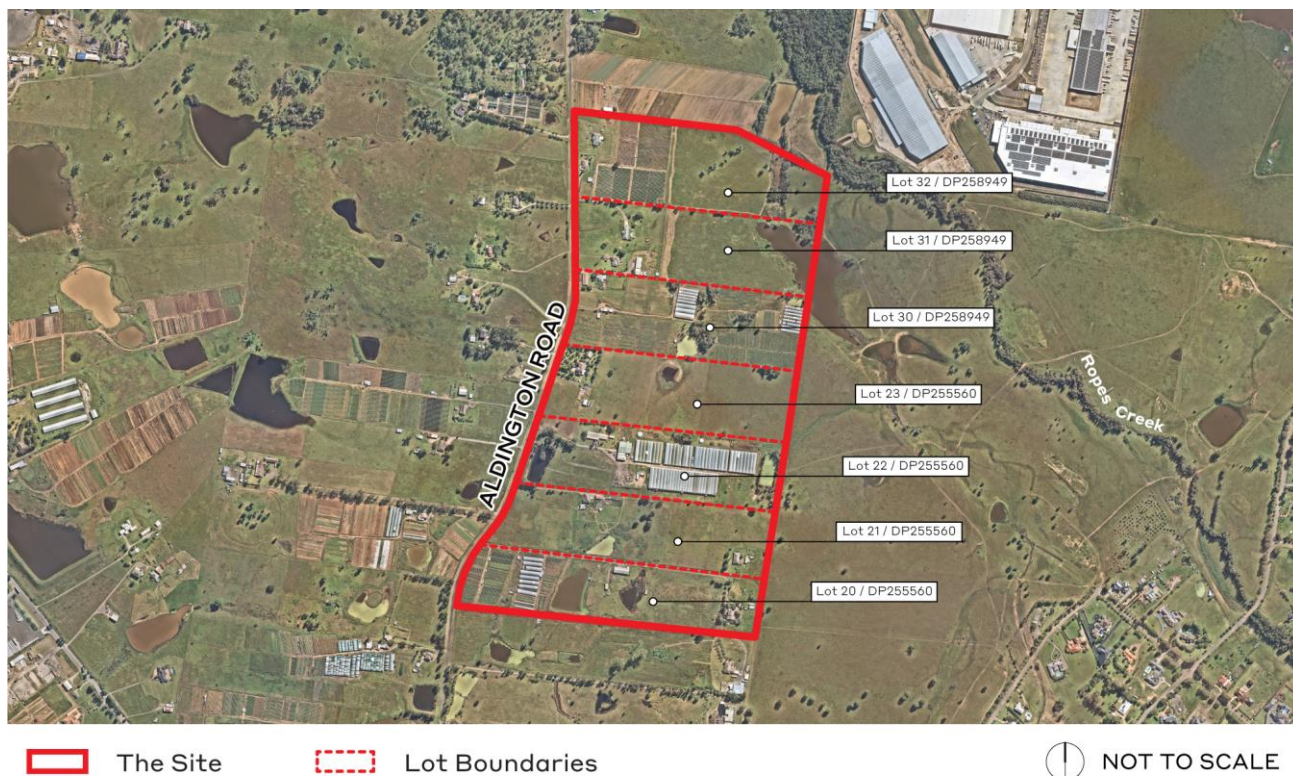


## 1.2 Site description

The site is comprised of seven (7) separate allotments (refer to **Table 1**) with a total area of approximately 72 hectares. It currently contains undulating rural land with steep slopes and a combination of vacant dwellings, farm sheds and dams, and agricultural greenhouses. The site includes a number of separate drainage catchments with the majority of the land draining in a north east direction to Ropes Creek and areas in the south of the site draining westward to Kemps Creek. Electrical easements runs through both northern corners of the site (refer to **Figure 3** and **Figure 4**).

**Table 1 – Site description**

Address	Title	Area (sqm)
106-124 Aldington Road	Lot 32 DP258949	111,600
126-142 Aldington Road	Lot 31 DP258949	101,200
144-160 Aldington Road	Lot 30 DP258949	100,900
162-178 Aldington Road	Lot 23 DP255560	101,900
180-196 Aldington Road	Lot 22 DP255560	101,500
198-212 Aldington Road	Lot 21 DP255560	101,500
214-228 Aldington Road	Lot 20 DP255560	102,200



**Figure 3 – Site aerial**

Source: Nearmaps and Ethos Urban

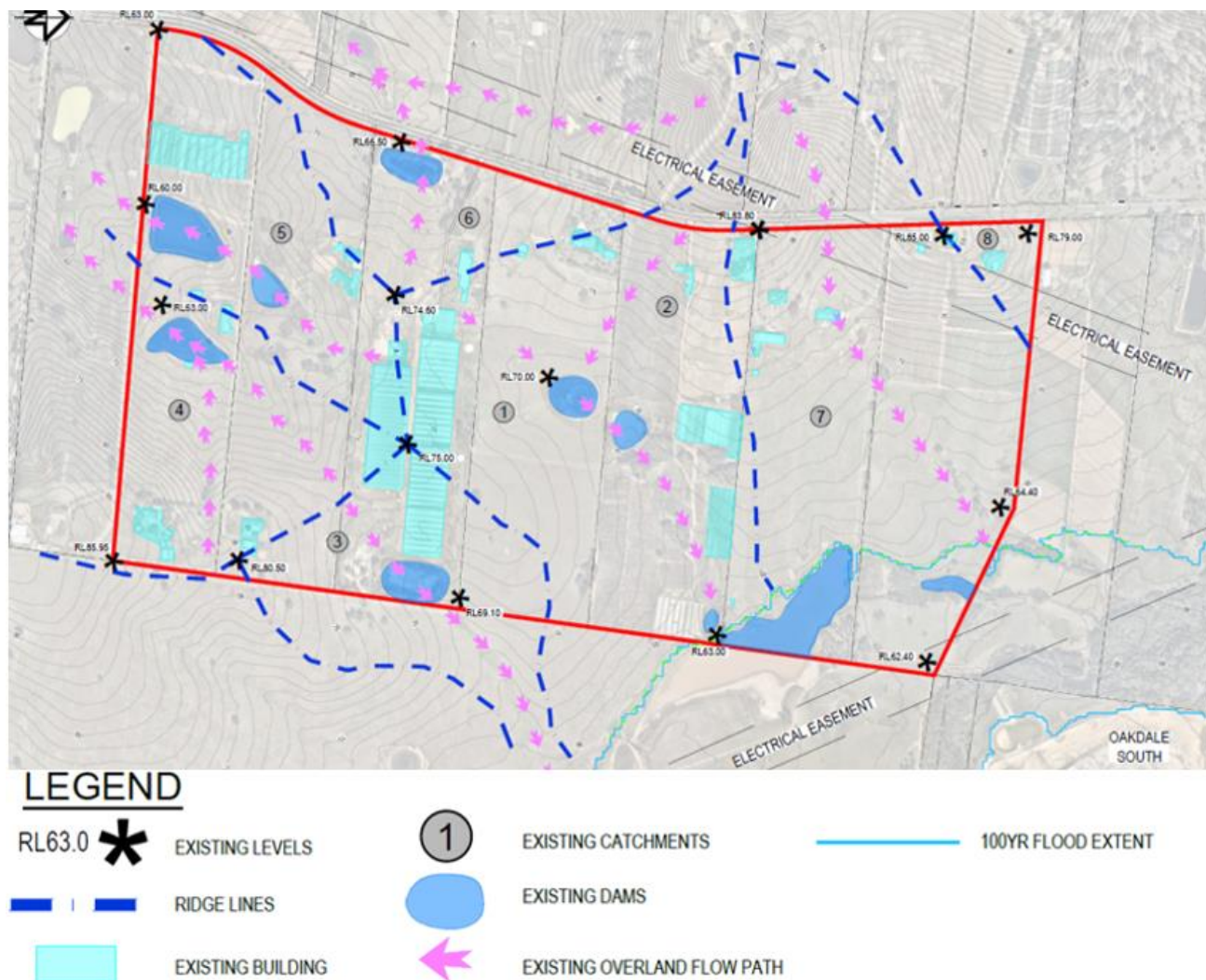


Figure 4 – Existing features on the site

Source: AT&L Civil Engineers

## 2.0 Description of Proposed Development

The SSDA will seek concept approval (in accordance with Section 4.22 of the Environmental Planning and Assessment Act) to facilitate future development on the site for warehousing or distribution purposes.

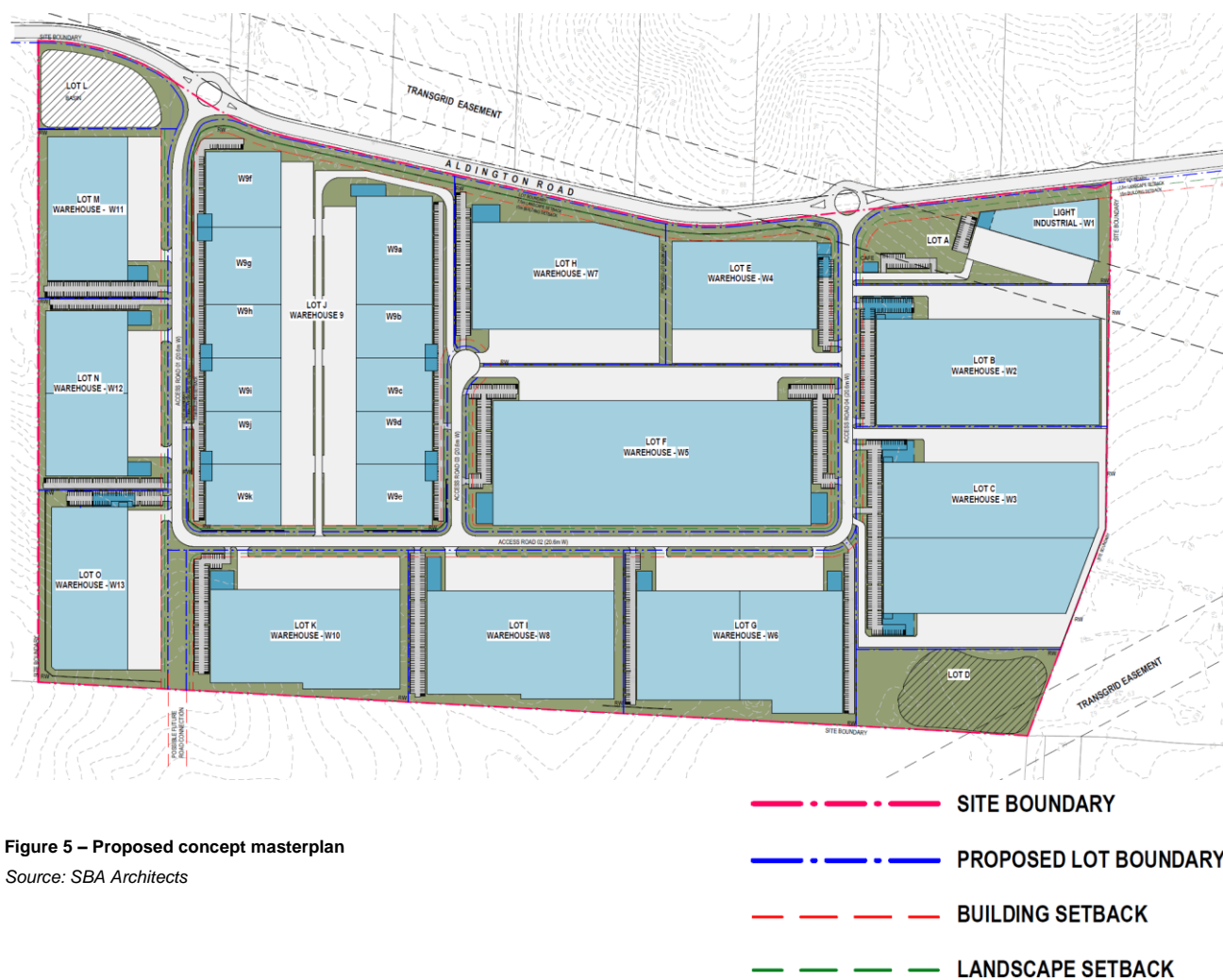
Consent will also be sought for Stage 1 works (refer to **Figure 6**) which will include construction of a 52,500 sqm warehouse building along with associated infrastructure required to allow the development to operate, including road intersections with Aldington Road, internal road construction and other associated on-site utilities.

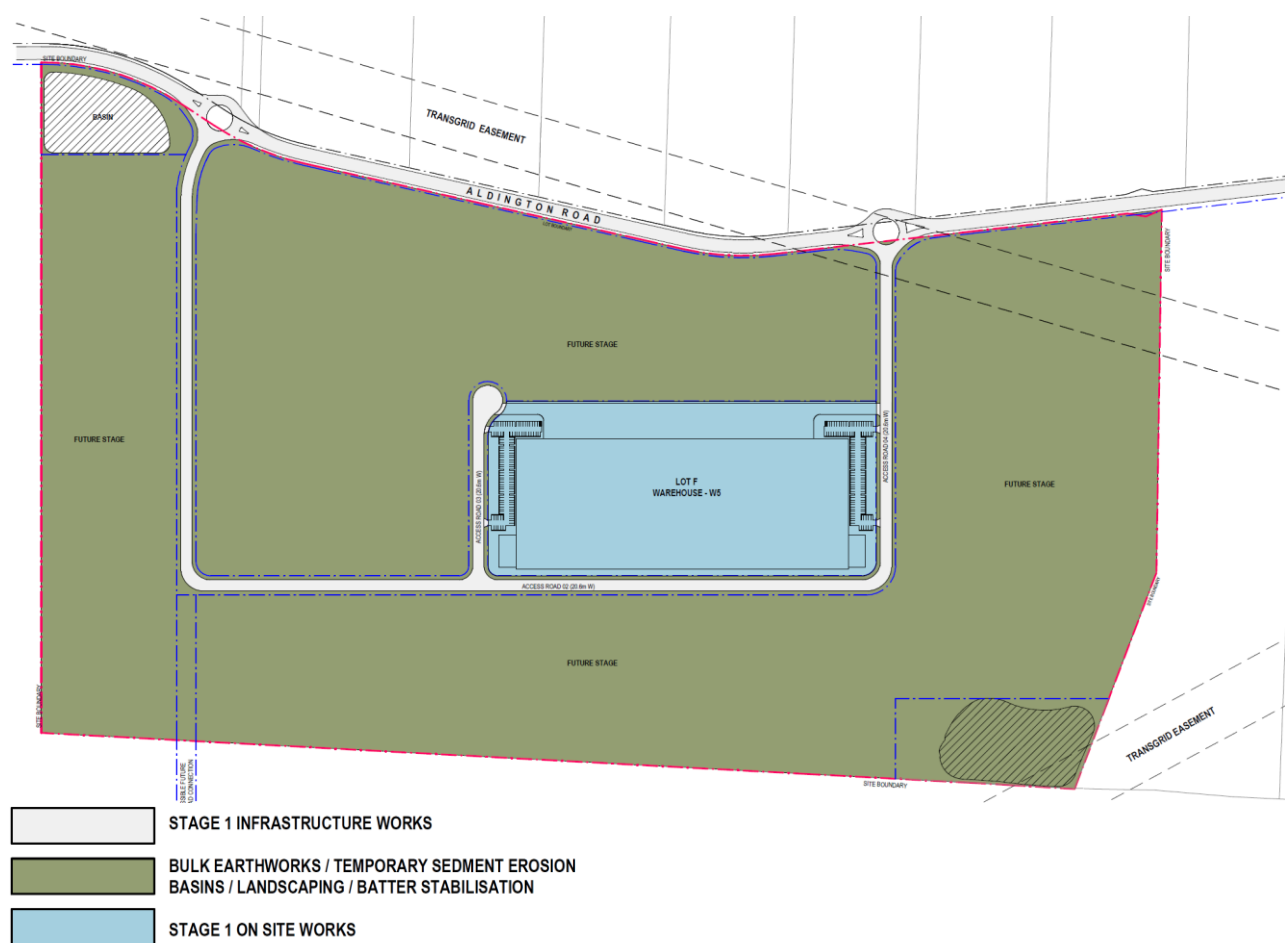
Specifically, consent will be sought for:

- A concept masterplan (refer to **Figure 5**) with an indicative total building area of 374, 630 sqm, comprising:
  - 356,660 sqm of warehouse floor space;
  - 17,770 sqm of ancillary office floor space;
  - 200 sqm of café floor space;
  - 13 individual development lots for warehouse buildings with associated hardstand areas;
  - Internal road layouts and road connections to Aldington Road;
  - Provision for 1700 car parking spaces; and
  - Associated site landscaping.
- Detailed consent for site preparation, earthworks and infrastructure works (i.e. Stage 1) on the site, including:
  - Demolition and clearing of all existing built form structures;
  - Drainage and infill of existing farm dams and any ground dewatering;
  - Clearing of all existing vegetation;
  - Construction of a warehouse building with a total of 52,500 sqm of GFA, including
    - 50,000 sqm of warehouse GFA;
    - 2,500 sqm of office GFA; and
    - 230 car parking spaces.
  - Bulk earthworks including ‘cut and fill’ to create flat development platforms for the warehouse buildings, and topsoiling and grassing / site stabilisation works;
  - Roadworks and access infrastructure;
  - Stormwater and drainage works including stormwater basins, diversion of stormwater lines, gross pollutant traps and associated swale works;
  - Sewer and potable water reticulation; and
  - Inter-allotment, road and boundary retaining walls.

The Concept Plan is identified in **Figure 5** and the proposed staging Plan is identified in **Figure 6**.









## 3.0 Planning framework and context

### 3.1 Strategic Planning Framework

The following strategic planning documents are relevant to the proposal and will be subject to consideration and assessment as part of the SSDA:

- The Greater Sydney Region Plan - A Metropolis of Three Cities;
- The Western City District Plan;
- Future Transport 2056;
- The NSW Freight and Ports Plan 2018-2023;
- The Draft Western Sydney Aerotropolis Plan and the Western Sydney Aerotropolis Discussion Paper on the proposed Western Sydney Aerotropolis State Environmental Planning Policy; and
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 and the Rezoning Package for the Mamre Road Precinct, including the Structure Plan, Discussion Paper and Zoning Maps and Finalisation Report (where relevant).

### 3.2 Statutory Planning Context

The following legislation and Environmental Planning Instruments will be relevant considerations to the SSDA. Those under the following subheadings are of key relevance to the proposal.

- Environment Protection and Biodiversity Conservation Act 1999;
- Biodiversity Conservation Act 2016;
- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy No 55—Remediation of Land;
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Draft State Environmental Planning Policy (Western Sydney Aerotropolis);
- State Environmental Planning Policy (Western Sydney Employment Area) 2009 (including the Amendment for the Mamre Road Precinct; and
- Penrith Local Environmental Plan 2010.

#### 3.2.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

The EP&A Act establishes the assessment framework for SSD. Under Section 4.38 of the Act the Minister for Planning is the consent authority for SSD. Section 4.12(8) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (**EIS**) in the form prescribed by the Regulations. The EIS will also be prepared in accordance with the SEARs.

The proposal will be State Significant in accordance with the State and Regional Development SEPP and will be subject to Division 4.7 of Part 4 of the EP&A Act.

#### 3.2.2 State Environmental Planning Policy (State and Regional Development) 2011

The *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP SRD)* identifies development which is declared to be State Significant. Clause 12 of Schedule 1 of the Policy provides development for warehouses and distribution centres is SSD if it is *development that has a capital investment value of more than*

*\$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*

Stage 1 of the proposed development will be for the purpose of a warehouse or distribution centre with a capital investment value of \$61.3 million. Therefore, it meets the criteria for SSD (refer to cost estimate at **Attachment A**).

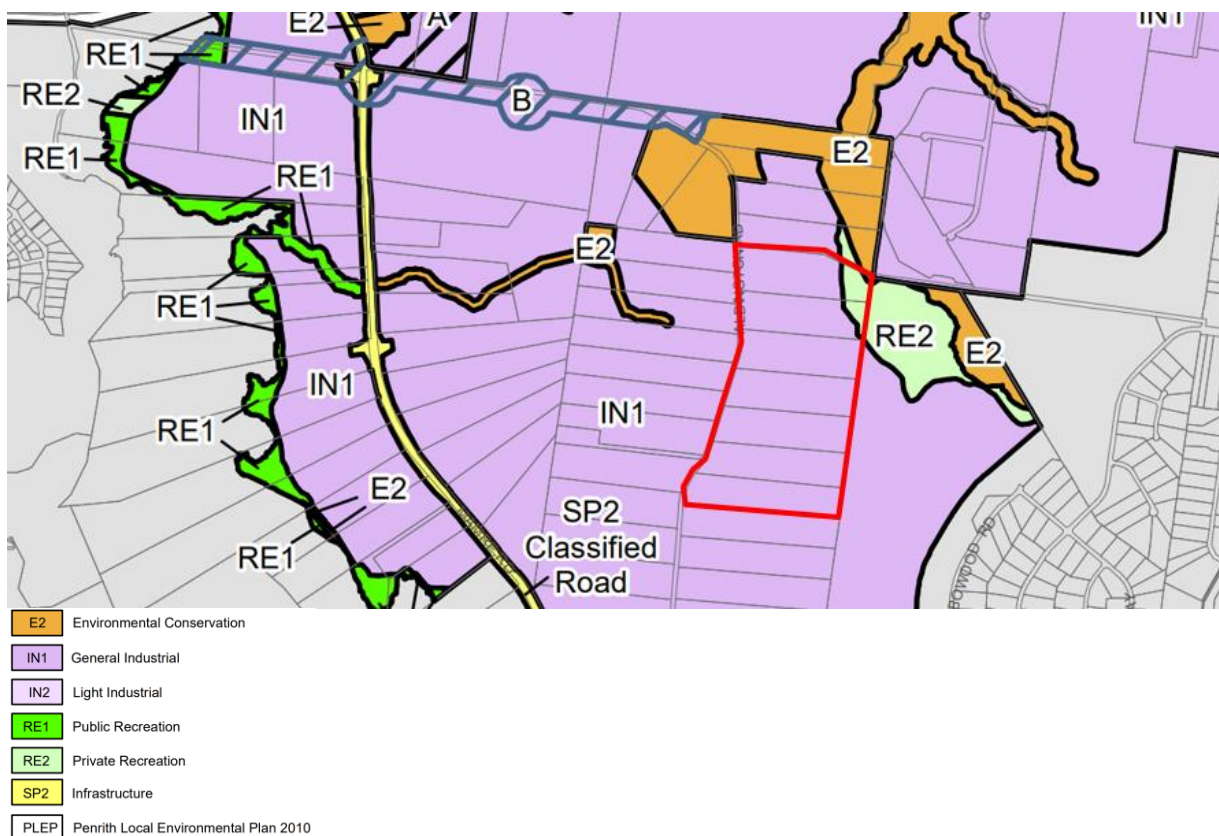
### 3.2.3 State Environmental Planning Policy (Western Sydney Employment Area) 2009

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (**SWEA SEPP**) provides consistent zoning and development control provisions to facilitate development of the WSEA for the purposes of employment and industry.

The SWEA SEPP has been subject to a recent amendment (placed on public exhibition between 20 November and 18 December 2019) which was Gazetted on 12 June 2020. The amendment extend the controls of the SEPP to include the Mamre Road Precinct and rezone it primarily for general industrial purposes (IN1) with other areas zoned public recreation (RE1 and RE2), Conservation (E2) and Special Purpose Infrastructure (SP2). The intent is to facilitate future development in the Mamre Road Precinct which can support in-demand industrial land supply.

Under the amendments to the WSEA SEPP, the majority of the site is rezoned to IN1 General Industrial with minor areas in the north east corner rezoned to RE2 Private Recreation E2 Environmental Conservation (refer to **Figure 7**). The uses proposed as part of the SSDA will be generally permissible with consent under the new zoning for the site.

The desired long term outcomes for the Precinct are set out in the Mamre Road Precinct Structure Plan (refer to **Figure 8**). Under the Structure Plan, the site is proposed for industrial land, and in the north east corner, land for a riparian corridor / open space, and a small portion of land for environmental conservation. The Structure Plan also proposes an “industrial road access” through the site from the adjoining land to the east to Aldington Road.



**Figure 7 – Draft land zoning map for the Mamre Road Precinct (site identified in red outline)**

Source: NSW Department of Planning, Infrastructure and Environment

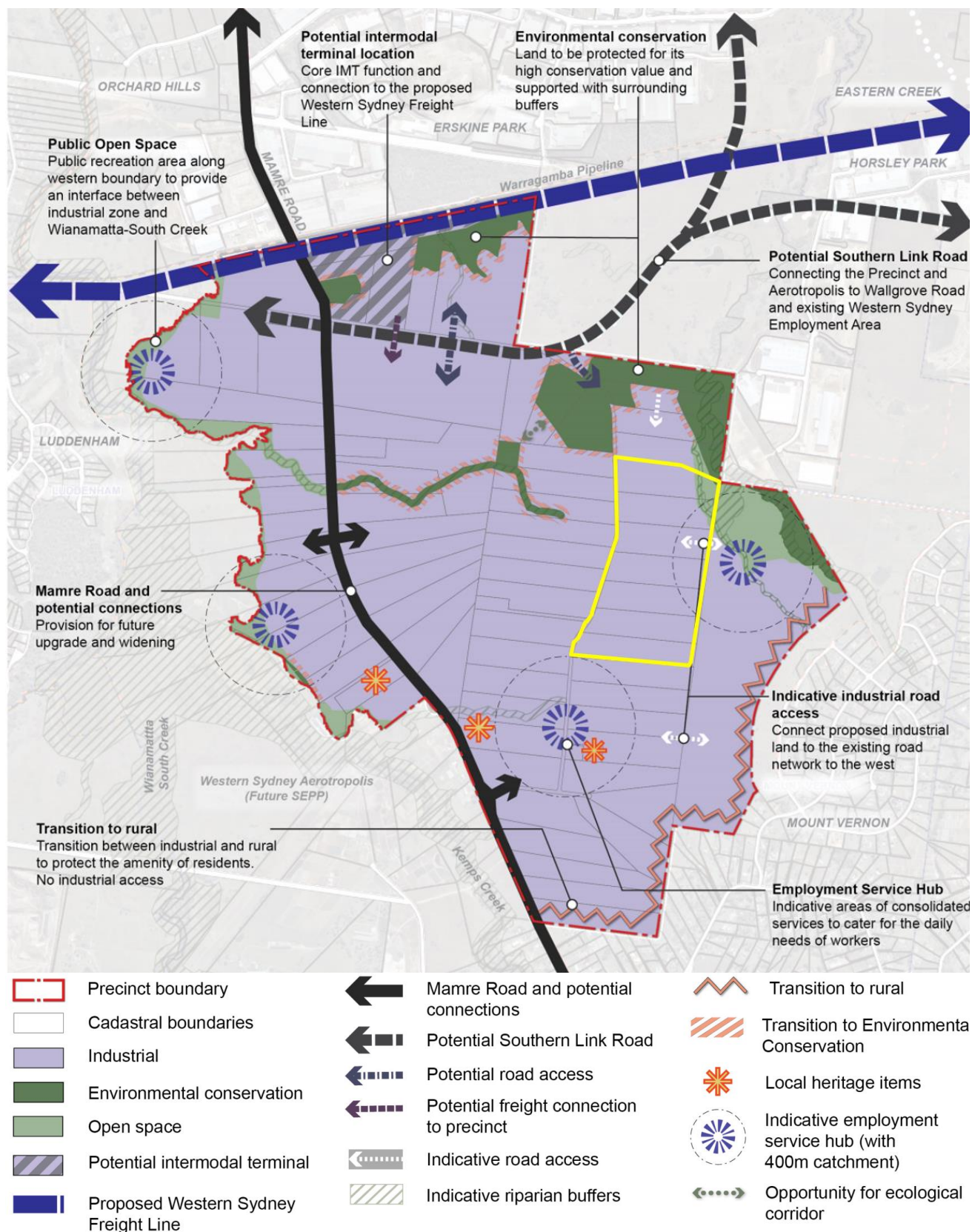


Figure 8 – Final Mamre Road Precinct Structure Plan (site identified in yellow outline)

Source: NSW Department of Planning, Infrastructure and Environment



It is also noted that a Development Control Plan (**DCP**) for the Mamre Road Precinct is being prepared but is yet to be released or publicly exhibited. Pursuant to Section 4.3 of the EP&A Act, a concept development application can be prepared in lieu of a DCP. It is expected that the proposed Draft DCP will be released during the preparation of the EIS for the site. The EIS will take the draft DCP provisions into account in terms of meeting its objectives and general outcomes. This is in addition to consideration being given to the DCP requirements under Clause 18 and Schedule 4 of the WSEA SEPP.

The recent amendment to the WSEA SEPP also includes provisions requiring the concurrence of Transport for NSW with regard to the compatibility of the proposed development with the delivery and operation of an integrated freight network in the Precinct (under clause 33C of Part 6). The SEPP also requires that the EIS address potential impacts on the operation of the Western Sydney Airport with regard to aircraft noise, airspace operations and potential bird or wildlife attraction.

#### **3.2.4 State Environmental Planning Policy (Infrastructure) 2007**

The proposal will be traffic generating development (under clause 104 of Division 17) of as it will relate to development for the purposes of warehouse or distribution centre with a site area over 8,000sqm with access to a road (Aldington Road). It also exceeds a site area of 20,000 sqm for development for the purpose of industry. Transport for NSW will therefore be provided written notice of the SSDA with their comments to be required to be considered by the consent authority prior to the determining of the SSDA.

An existing electrical transmission easement also runs through each of the northern corners of the site. Electricity transmission and distribution is dealt with in Division 5 of the Infrastructure SEPP and development carried out within or immediately adjacent an easement for electricity purposes (whether or not infrastructure exists) will be referred (by written notice) to the relevant supply authority for consideration.

#### **3.2.5 Penrith Local Environmental Plan 2010**

Prior to the amendment to the WSEA SEPP, the site was zoned RU2 Rural Landscape under the Penrith Local Environmental Plan 2010 and development for the purposes of warehouse or distribution centre was not permissible with consent. Given the amendments to the SWEA SEPP are now in place, the Penrith Local Environmental Plan 2010 no longer applies to the site.



## 4.0 Overview of Likely Environmental and Planning Issues

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the future SSDA:

### 4.1 Key issues

#### 4.1.1 Built form and urban design

The EIS will be supported by a concept architectural package and design report which will set out the conceptual massing and built form outcome proposed for the site. It will:

- Outline the design rationale which has driven the arrangement and positioning of buildings in line with the site's constraints and opportunities, and proposed internal vehicular arrangements;
- Include a series of concept architectural and landscape plans, and massing diagrams to demonstrate the building envelopes, their height, bulk and scale and positioning (setbacks) from each other, the internal roads and the boundaries of the site;
- Consider the design principles established in Clause 31 of the WSEA SEPP;
- Consider the concept design in relation to the existing transport network (including roads, pedestrian, and cycleways) and anticipated future road upgrades; and
- Provide a view analysis from various close and long-distance viewpoints to determine the visual impact of the proposed bulk and scale when viewed from the surrounding locality and public domain.

The Stage 1 components of the development will also be subject to rigorous assessment and be accompanied by detailed architectural and civil plans including cut and fill and site works and retaining wall plans.

#### 4.1.2 Traffic, transport, and parking

A detailed Traffic and Parking Impact Assessment will accompany the EIS. It will address the following key matters (in addition to any other requirement identified by the SEARs).

- Assessment of traffic volumes generated from the proposal, including traffic associated with construction and operation;
- Assessment on proposed traffic generation and impacts on the existing road network, including impacts to existing intersections. This will include cumulative assessment which will consider future development within the Mamre Road Precinct and any planned or proposed road / infrastructure upgrades associated with the Aerotropolis or WSEA;
- Detail on site access, internal loading, and manoeuvring in accordance with the relevant standards and controls; and
- Detail on relevant or required road upgrades, access points or road-related infrastructure to support the proposal.

#### 4.1.3 Infrastructure and Services

The EIS will assess in detail the impact the proposal will have on existing utility services and service provider assets surrounding the site. The infrastructure requirements and augmentation needed (on and off site) to support the development will also be outlined and assessed in detail.

AT&L has undertaken a preliminary assessment of existing services and potentially options for augmentation to support the proposal. Each will be subject to confirmation and detailed assessment in the EIS.

- **Water:** Following discussions with Sydney Water, one option is to service the site via extension of the Oakdale West main.
- **Sewage:** It is proposed to connect to the trunk sewer infrastructure constructed as part of Oakdale West development.
- **Electricity:** It is proposed to service the site from two 22kV feeders which will be reticulated and 22kV kiosks installed.
- **Telecommunications:** It is anticipated that a connection can be made to the exiting Telstra conduits located within the Aldington Road reserve however allowance has been made to install new pit and pipe infrastructure from the Oakdale West development. This option is subject to confirmation until Telstra and the NBN co outline their requirements.
- **Gas:** There are no existing Jemena gas mains located in the vicinity of the site. AT&L's experience with similar developments indicates that gas however it not generally required to support industrial development. If gas is required, these trunk services would ordinarily be provided by Jemena.

#### 4.1.4 Soil

The site has been subject to a preliminary desktop Contamination Assessment to begin to help understand the soil characteristics of the site. A preliminary Geotechnical Investigation was also undertaken for the broader site.

From a contamination perspective, limited areas of potential environmental consideration were identified, including infill material and material used to construct the existing houses and sheds on the site. On this basis, the EIS will be accompanied by a detailed Site Contamination Investigation which will consider the suitability of the proposal from a contamination perspective, in accordance with State Environmental Planning Policy No 55 – Remediation of Land.

The preliminary geotechnical investigation identified that the majority of the site is suitable for industrial development subject to relevant geotechnical limitation, guidelines, and other considerations. More detailed geotechnical investigation however will be required. Like contamination, the EIS will be accompanied by a detailed Geotechnical Investigation to address the requirements of any SEARs

#### 4.1.5 Water and biodiversity

The north eastern corner of the site is adjacent to Ropes Creek. This creek, along with the other creeks in the Mamre Road Precinct (South Creek and Kemps Creek) is affected by 1 in 100 chance per year and the probable maximum flood (PMF) events. On this basis, the EIS will be accompanied by a detailed flood assessment.

The riparian corridor between (and which forms part of) the site and Ropes Creek is also identified as land worthy for conservation under the Mamre Road Structure Plan (refer to **Figure 4**). The EIS will assess in detail the biodiversity impacts associated on the riparian corridor and the broader site given a preliminary ecological assessment undertaken for the site has identified that the riparian zone has habitat value, including ecologically endangered communities.

A Biodiversity Development Assessment Report will be prepared if required or, unless it has been determined under the Biodiversity Conservation Act 2016 that the proposal will not have any significant impact on biodiversity values (i.e. a BDAR Waiver).

#### 4.1.6 Noise and vibration

The EIS will be accompanied by a Noise and Vibration Impact Assessment to assess the noise and vibration impacts associated with the construction and operation (including traffic) of the proposal, both individually and in the context of existing development and potential future development within the Mamre Road Precinct. Relevant noise mitigation and managements measures to reduce noise and vibration caused by the proposal will also be detailed.

## 4.2 Other issues for consideration and assessment

In addition to the above, the following will also be considered as part of the EIS.

### Site suitability for the proposal

The EIS will be supported by a detailed assessment on the suitability of the site for the proposal. This will consider existing site conditions and context, as well as future conditions and context of the site within the broader Mamre Road Precinct, Western Sydney Employment Area and Aerotropolis.

### Social and economic impacts

The EIS will make an assessment against the potential positive and negative social and economic impacts (and the significance of these impacts) arising from the proposal, considering potentially affected stakeholders and communities.

### Waste management

A detailed Waste Management Plan will be prepared and submitted with the EIS. It will outline the anticipated quantities and streams of waste generated by the proposal during construction and operation, and the intended management of waste in terms of storage, removal off-site and disposal.

### Heritage

The EIS will be accompanied by an Aboriginal Cultural Heritage Assessment report which will assess the significance of the site from a cultural and Aboriginal heritage perspective and determine whether the proposal may affect the heritage significance of the site or locality. Consultation will be undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW).

### Bushfire

The vulnerability of the site to bushfires will be assessed as part of the EIS. This will include an assessment against the NSW Government's Planning for Bush Fire 2019.

### Ecologically sustainable development (ESD)

The EIS will consider how the proposal can incorporate the principles of ESD during the construction and operation of the proposal. It will also consider the energy use of the proposal and outline ways in which consumption / greenhouse gases could be reduced.

### Western Sydney Airport

The EIS will be assessed in light of the Draft Western Sydney Aerotropolis Plan and Discussion Paper associated with the proposed Western Sydney Aerotropolis SEPP. Clauses 33D-3F of the WSEA SEPP relating to areas subject to aircraft noise, airspace operations and potential bird or animal attraction will be addressed in the EIS.

### Development contributions

Relevant development contributions and State levies associated with the proposal will be elaborated on in the EIS, including satisfactory arrangements for the provision of regional transport infrastructure and services under Clause 29 of the WSEA SEPP.

### Air quality

The air quality impact caused by the construction and operation of the proposal to surrounding sensitive receivers will be subject to assessment under the EIS. Mitigation and management measures to reduce the proposal's impact to adverse air quality will also be identified where relevant.

## 5.0 Engagement

Early investigations associated with the proposal has seen consultation with the relevant service providers, the Department of Planning, Infrastructure and Environment and Transport for NSW. Further consultation will occur during the preparation of the EIS which will include the relevant Commonwealth, State and Local authorities, service and utility providers and surrounding landowners.

The engagement process and the issued and comments raised during this process, will be documented, and addressed in the EIS.

The proponent intends to consult with and further consult with the following parties in particular:

- Telstra / NBN Co;
- Sydney Water;
- Endeavour Energy;
- Transport for NSW;
- Department of Planning, Industry and Environment;
- Penrith City Council; and
- NSW Rural Fire Service and NSW Fire and Rescue.



## 6.0 Conclusion

This submission provides information to assist in the preparation of the Secretary's Environmental Assessment Requirements for the proposed development of land identified as 106 – 228 Aldington Road, Kemps Creek. It is proposed to be redeveloped for industrial purposes in line with the desired future outcomes of the Mamre Road Precinct and recent amendments (occurring in June 2020) to the State Environmental Planning Policy (Western Sydney Employment Area) 2009.

As the proposal is for the purposes of development for warehouse or distribution centres that has a capital investment value in excess of \$50 million, it is State Significant Development (**SSD**) by virtue of Clause 12 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011. Once the Secretary's Environmental Assessment Requirements are issued, it is proposed to prepare a Concept State Significant Development Application (including detailed Stage 1 works) for the proposal.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact me on 61 2 9956 6952 or at [gkirkby@ethosurban.com](mailto:gkirkby@ethosurban.com).

Yours sincerely,



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